CONGRESS.

First Day's Labor of the Forty-Second Congress.

The President Opposes an Immediate Adjournment.

Senatorial Bill to Repeal the Income Tax.

Debate in the House Over the Organization of Committees.

Ben Butler's Raid Upon Southern Ku Kluxes.

Catalogue of Outrages Practised Upon Southern Loyalists.

SENATE.

WASHINGTON, March 7, 1871.

Mr. HAMLIN, (rep.) of Me., from the committee appointed to wait on the President, reported that they had performed that duty and the President informed them that he had no communication to make to Congress at present, but would make one in the course of a week. Also, that the President had expressed a wish that Congress would not this week fix a day of adjournment, and had stated that he would shortly have an executive communication to make to the Senate.

MEMORIALS PRESENTED.

Mr. POOL, (rep.) of N. C., presented the memorial of Joseph C. Abbott, of North Carolina, in which he claims to have received a clear majority of all the legal votes cast by the Legislature of that State at the recent election for United States Senator, on the ground that Zebulon B. Vance, being ineligible under the constitution, was not entitled to be voted for, and has not, therefore, been elected. Mr. Abbott, therefore, prays for leave to maintain his claim to a seat in the Senate.

MEMORIAL OF ANNA ELLEN CARROLL.

Mr. WILSON, (rep.) of Mass., presented a memorial of Anna Ellen Carroll, of Maryland, asking a compensation for services rendered the armies of the Union during the rebellion.

BILLS INTRODUCED.

By Mr. KELLOGG, (rep.) of La.—To establish steamship communication between New Orleans and various ports in Mexico; also incorporating Southern Express Company.

Fixing time of election of Presidential electors in Louisiana upon same day as election for State officers and for other purposes, and relative to the judicial districts of Louisiana.

By Mr. RICE, (rep.) of Ark.—Amendatory of the act to incorporate the Texas Pacific Railroad, providing for a branch road from Dallas, Texas, to Fulton, Ark.; also to aid the construction of a railroad through Missouri and Kansas, near the thirty-sixth parallel; also to organize the territory of Oklahoma, and to consolidate certain Indian tribes under a Territorial government.

By Mr. BLAIR, (dem.) of Mo.—For the removal of all legal and political disabilities from the people of the Southern States; also to grant to Missouri all public lands within that State for the benefit of the public school fund.

By Mr. BUCKINGHAM, (rep.) of Conn.—To amend the act of July 8, 1870, relating to patents and copyrights, providing that section thirty-three shall not apply to patents issued prior to that date; also to provide for the erection of a government building at Hartford, Conn.

By Mr. RAMSEY, (rep.) of Minn.—To revise, consolidate and amend the statute relating to the Post Office Department.

By Messrs. CASSERLY and PRATT—For the protection of settlers on the public lands, providing that homestead or preemption settlement on public lands, either surveyed or unsurveyed, shall create vested rights of property.

By Mr. STEWART, (rep.) of Nev.—To encourage the construction of American ocean steamships—providing for the payment by the government of twenty-five per cent of the cost of three thousand ton iron steamships, built by citizens of the United States in this country within ten years, suitable for conversion into vessels of war.

By Mr. CORBETT, (rep.) of Oregon—To aid the construction of the Oregon Branch Pacific Railroad.

By Mr. SCHURZ, (rep.) of Mo.—To authorize the construction of a bridge across the Missouri river at Booneville.

By Mr. FLANAGAN, (rep.) of Texas—To incorporate the Red River Valley, Oklohoma and Santa Fe Railroad Company.

By Mr. COOPER, (dem.) of Tenn.—For the relief of the East Tennessee University.

By Mr. OSBORN, (rep.) of Fla.—To aid the construction of railroads in Florida.

By Mr. SHERMAN, (rep.) of Ohio—To promote the construction of the Cincinnati and Southern Railroad; also a bill relating to moneys paid into the courts of the United States.

By Mr. POMEROY, (rep.) of Kan.—In aid of the Great Salt Lake and Colorado River Railroad, and of the Lawrence, Leavenworth and Galveston Railroad.

By Mr. CALDWELL, (rep.) of Kan.—To authorize the Kansas Pacific Railroad Company to construct a branch railroad to the Arkansas river.

By Mr. HAMLIN—To secure the cheap transportation of breadstuffs and provisions from the West to the seaboard at uniform rates through the year, being a bill to aid the construction of the Portland, Rutland, Oswego and Chicago Railroad; also to provide stenographers for the Circuit Courts of the United States.

By Mr. HARLAN, (rep.) of Iowa—For the apportionment of Representatives to Congress.

By Mr. WILSON, (rep.) of Mass.—To provide for the selection of cadets, to authorize the promulgation of general regulations for the army, for the settlement of claims of the Massachusetts coast defence.

By Mr. CONKLING—To prevent cruelty to animals in transit by railroad or other means of transportation within the United States, and for the preservation of the harbors and navigable rivers of the United States against encroachments.

By Mr. POMEROY—Authorizing the establishment of ocean mail service between the United States and Australia.

By Mr. CALDWELL—In relation to the Miami Indian lands in Kansas; to enable the Secretary of War to enlarge the depot at Fort Leavenworth; to enable the Kansas Pacific Railroad Company to extend its line to the Northern boundary of Mexico.

By Mr. NYE, (rep.) of Nev.—To encourage telegraphic communication between America, Asia and Europe; granting right of way and lands to the Sacramento Immigration and Navigation Company.

By Mr. FENTON, (rep.) of N. Y.—To incorporate the Tehuantepec Railroad and Ship Canal Company.

Also a bill to regulate the service in the collection of customs in the various ports of entry in the United States and the disposition of fines, penalties and forfeitures under the laws relating to customs and for other purposes. The bill contains a large number of provisions looking to a general reform of the revenue service, especially in New York, embracing the Naval Office and Surveyors' and Appraisers' Departments, and is designed to simplify and greatly reduce the expenses of the collection of the revenue. The fourteenth section provides that the appointment of all officers of the customs requiring the concurrence of the Senate shall be for the term of four years, and that they shall hold their offices respectively until their successors shall have been appointed and duly qualified, and such officers shall not be removed during the term of such appointment except for cause, and before any removal shall be made such officer shall be furnished with a copy of the charges against him and have an opportunity of being heard in his defence.

Mr. FENTON said he would ask the consent of the Senate to take up the bill early next week with the view of submitting some remarks on it.

Mr. COLE, (rep.) of Cal., introduced a bill to abolish the tax on incomes.

Mr. CONKLING, (rep.) of N. Y., introduced a bill to provide additional commercial facilities in the port of New York. (The Submarine Funnel Bill.)

Mr. ROBERTSON, (rep.) of S. C., introduced a bill to remove the legal and political disabilities of all persons upon whom such are imposed by the fourteenth amendment to the constitution.

Mr. POMEROY, (rep.) of Kan., introduced a bill to enable honorably discharged soldiers and sailors, their widows and orphans, to acquire homesteads on the public lands of the United States. (The same bill which passed the House at the last session and failed in the Senate.)

Mr. MORTON, (rep.) of Ind., introduced a joint resolution authorizing the President to appoint a commission to the International Congress on Penitentiary Discipline, &c., in Europe.

In reply to an inquiry by Mr. Sumner it was stated that the proposed Congress would be held in Florence.

The joint resolution was then passed.

Mr. HAMLIN introduced a bill to provide stenographers for the Circuit Courts of the United States.

All the bills introduced were laid upon the table to await the formation of the committees.

THE HOUSE ADJOURNMENT RESOLUTION.

The VICE PRESIDENT laid before the Senate the House concurrent resolution to adjourn on Wednesday, March 8, which, upon a motion by Mr. HAMLIN, was laid upon the table.

The Senate then, at ten minutes of one o'clock, adjourned until Thursday.

HOUSE OF REPRESENTATIVES.

WASHINGTON, March 7, 1871.

THE COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. HOOPER, (rep.) of Mass., from the committee appointed by the House to join a like committee on the part of the Senate to wait on the President and inform him that Congress was in session and ready to receive any communication he might make, reported that the committee had discharged that duty and that the President said he had no communication to make at present, but that he might have some communication to make in course of a week, and expressed the desire that during the present week no day should be fixed for the final adjournment of the two houses.

THE ARKANSAS CONTESTED SEAT.

Mr. BURDETT, (rep.) of Mo., presented the claim of Mr. Boles to a seat as Representative from the Third district of Arkansas instead of Mr. Edwards, and moved that the matter be referred to the Committee on Elections. Adopted.

ORGANIZATION OF COMMITTEES.

Mr. NIBLACK, (dem.) of Ind., as a question of privilege, offered a resolution requesting the Speaker to proceed at once to the appointment of the committees of the House.

Mr. POLAND, (rep.) of Vt., submitted that it was not a question of privilege.

The SPEAKER decided that it was not, but said that he was very glad it was offered and that he would entertain it.

Mr. NIBLACK remarked that he was not in favor of Congress entering now on general business. He was in favor of the earliest adjournment, but he believed that if there was any public reason making it proper for Congress to meet on the 4th of March and elect its Speaker and other officers, that same reason applied as well to the organization of the committees of the Houses. He submitted that there was no propriety in Congress meeting on the 4th of March, at great expense for mileage, if the House was merely to elect its Speaker and other members and then adjourn. The House was to-day in the position of a half-organized army, having a commander-in-chief but no subordinate officers and nobody to take it into action. There were a number of election cases which should be decided at an early period of the Congress instead of being left, as was generally the case, to the close of Congress, adding greatly to the expense. He considered it important, also, that members should know at an early day to what committees they were assigned, so that they might make themselves familiar with the general business of such committees.

The SPEAKER stated his views on the subject. He said that two years ago it was not for eleven days after the organization of the House that he was able to announce the standing committees, and he was persuaded that even the announcement was in many respects premature. He would have been very glad then to have had the opportunity of becoming better acquainted with the antecedents, position, character and tastes of the members, which would have enabled him, he thought, to avoid some mistakes which possibly occurred. The present House consisted much more largely than any of its predecessors of new members, and he had not been able to acquaint himself with the personal characteristics of the new members. Taking into view the decided manifestation of the House on Saturday in favor of an early adjournment, it was not his purpose, unless otherwise instructed by the House, to appoint the standing committees until the December session, with the exception of the Committees on Elections, Mileage, Accounts and Public Buildings, for the appointment of which four committees there was a specific necessity. If the House were to adjourn within the next fortnight he should, from that standpoint, regard it as decidedly inexpedient to announce the standing committees at the present session; but, of course, he was subject to the orders of the House.

Mr. COX, (dem.) of N. Y., believed that if those committees were appointed the House ought to cut out some work for them. They ought to have tariff reform; they ought to give some little admonition to the Secretary of the Treasury as to certain matters. The shipping interests should be attended to. The moment the committees were appointed the House would be all at sea, and would be kept here until May. He, therefore, thought the suggestion of the Speaker eminently wise. He would not wait here for anything to come from St. Domingo or elsewhere, but would keep voting to adjourn until the adjournment took place.

Mr. ELDRIDGE, (dem.) of Wis., agreed substantially in what his colleague (Mr. Niblack) had said, and thought there was a good deal of practical good sense in his suggestions. Members of the House should know at as early a day as possible on what committees they were to serve, so as to prepare themselves for the specialty of such committees. He was not in favor of general legislation now. He did not know that the country needed it. There were some matters left undone by the last Congress which ought to have been done.

Mr. DAWES, (rep.) of Mass., hoped that Mr. Niblack would withdraw his resolution. He admitted that if Congress were to stay in session for some time and enter on general legislation it would be absolutely necessary to have the committees appointed; but the House had with great unanimity decided on Saturday that it would not enter on general legislation. There was every indication that if the Senate did not agree to adjourn on Wednesday it would agree to adjourn at an early day; but if the committees were now appointed the House would plunge at once into general legislation, and it did not seem to him that there was any occasion for doing anything that would tend in that direction. He was one of those who believed that Congress legislated too much. He believed it would have been better for Congress not to meet until December, according to the ordinary custom for so many years. The meeting in March had been appointed for a special necessity, which necessity had passed away, and he trusted that the law for that purpose would be repealed. If the committees were appointed now, and set to work, it was impossible to tell when Congress could adjourn. He hoped that Mr. Niblack would withdraw the resolution.

Mr. WHEELER, (rep.) of N. Y., moved to lay the resolution on the table.

Mr. BUTLER, (rep.) of Mass., desired the House to consider the exact state of the public business. Congress at the last session had passed the appropriation bills and one other public measure of importance, but had passed nothing else except private bills. He did not desire to enter on a new career of legislation of that kind. All of the great interests of the country had been left to take care of themselves. If there were nothing to be dealt with but questions of finance, questions of revenue, questions of tariff, the ordinary legislation of the country, he would be content to adjourn at once; but the House could not shut its eyes to the fact that there was a state of things in the Southern part of the country which called for legislation, to enable the President to carry out the constitutional guarantees of protection to life, liberty and property. He desired to enter on no other legislation, but he trusted that it was in view of that condition of things that the President had intimated a desire that Congress should not fix the day of adjournment during this week. He quite agreed that it was better not to appoint the general committees of the House for the purpose of going into general legislation, but he did hope that the House would not adjourn so soon. It would be false to its duty to the nation, false to its duty to the constitution if it adjourned and left the state of things in the South that now was there, and left the President powerless to correct it. In this connection he sent to the Clerk's desk to be read a report made to Governor Scott, of South Carolina, by John B. Hubbard, Chief State Constable, stating that in Laurens county since the 19th of October, 1870, there had been a Judge of Probate, Volney Powell; a member of the House of Representatives, Wade A. Perrin, and eleven other leading republicans killed; in one day fifty men and women were brutally whipped and maltreated and 150 persons driven from their homes; that in Union county two trial justices and one probate judge had been killed, fifteen men taken from jail and shot or hung and about seventy-five barbarously scourged and whipped, and relating similar outrages in Spartansburg, York and Abbeville counties.

The reading of the document was interrupted by a point of order made by Mr. WOOD, that it was not relevant to the resolution before the House.

The SPEAKER sustained the point of order.

Mr. NIBLACK offered to withdraw the resolution.

The SPEAKER expressed a preference to have the House vote upon the motion to lay it on the table.

The question was taken, and the resolution was laid on the table without the yeas and nays.

REMOVAL OF DISABILITIES.

On motion of Mr. MARSHALL, (dem.) of Ill., a bill to remove the political disabilities of John H. Halley, of Jasper county, Ill., was passed.

Mr. MARSHALL asked to have another bill passed establishing a post route in Illinois.

Mr. BUTLER (of Mass.) objected. If he could not have the people of the South protected from murder, he did not want post route bills.

PRISON REFORM.

On motion of Mr. POLAND the Senate joint resolution passed to-day for the appointment of a commissioner to the International Congress on Penitentiary and Reformatory Discipline, was passed.

NOTICE OF INTRODUCTION OF BILLS.

Mr. COLEMAN, (rep.) of Ind., gave notice that he would introduce the following bills for action this session:—

A bill to encourage immigration and protect immigrants, and for a national bureau of immigration.

A bill to provide for the apportionment of the Forty-second Congress.

A bill providing for homesteads on the public lands for Union soldiers; and a bill providing for the reduction of the duty on salt fifty per cent.

The House then, at twenty minutes to two o'clock P. M., adjourned till Thursday.

THE FORTY-FIRST CONGRESS.

EFFECT OF THE HERALD'S EXPOSE.

Uncommitted Sins—Six Hundred Million Dollars Worth of the People's Heritage Saved—Summary of Jobs—Not Too Much Credit—Subsidized Corporations—Unbounded Impudence—Senator Stewart—The Indian Question — Loyal Claimants — Claim Agents Must be Taken Care Of—The Income Tax—Next Congress.

WASHINGTON, March 6, 1871.

More than for anything else the Forty-first Congress is to be commended for its "uncommitted sins."

The number and magnitude of jobs on the Speaker's table and Senate calendar that were slaughtered last Saturday simply by being let alone is astounding.

When Congress assembled, early in December last, all signs indicated a session of unusual profligacy. A larger number of schemes for plundering the Treasury were in a fair way of getting through both houses than at any previous session. The lobbyists were having everything their own way until the 12th of December, when the HERALD opened its batteries upon them by the publication of an expose of

FIFTY-FIVE DISTINCT JOBS,

or subsidy railroad bills, asking a free gift of 189,224,920 acres of our national domain. The name and number of each of the fifty-five bills were given; also the amount of subsidy demanded by each and its status on the calendar. Twenty-three of the bills, giving away 75,006,320 acres of land had passed the Senate, and thirty-two more, giving away 114,218,600 acres, were pending in that respectable body at the time Congress assembled, the first week in December.

The HERALD's exposé of the whole brood of jobs was copied far and wide, with and without credit, both by the country and city press. It was used as editorials and by Congressmen in their speeches. The result was that only two of the fifty-five bills succeeded in getting through Congress.

NOT TOO MUCH CREDIT.

I must, however, not give Congress and the President too much credit. Two bills giving away to overgrown corporations about 37,000,000 acres of the people's heritage passed both houses of the Forty-first Congress, and received the President's signature. These were the two big jobs of the season. The smaller fry did not fare as well, as will be seen. Twenty-one bills, asking, or rather demanding, a free gift of 38,006,320 acres of land, passed the Senate, but were killed by being let alone to death in the House on the Speaker's table. Thirty-two bills demanding 114,218,600 acres of land were introduced in the Senate, to be smothered in committees or meet a quiet death on the Senate calendar.

To be brief, the lobby demanded 189,224,920 acres. Of this amount 37,000,000 acres were given away, while the application for 152,224,920 acres was finally rejected. It is quite certain that but for the HERALD'S exposure of these jobs, every one of them would have succeeded. 152,224,920 acres of land is worth saving to the people in these days of high taxes. At the low price of $4 per acre, which is less than the average price the subsidized corporations get, it is worth the handsome sum of $608,899,680. It had better be used to pay off our national debt than given to subsidized corporations.

THE OAKES-AMES JOB.

The most barefaced job of the session was the Stewart amendment to the Army Appropriation bill, releasing the Pacific Railroad corporation from their just obligations to pay interest on their subsidy bonds, except so far as one-half of their government transportation bills will go towards it. The sublime impudence of the great railroad swindlers is almost beyond the power of language to describe. The fact that this nefarious job was engineered through mainly by one Stewart, who claims to represent a large tract of country west of Utah, with a population less than half of a good sized ward in New York city, is a conclusive argument against the admission of any more States without populations. The few thousand honest miners and tradesmen who roam over the wilds of Nevada hold this Stewart responsible for nothing. He really represents the Central and Union Pacific railroads. In law he is a United States Senator, precisely on the same legal footing with the Senators from New York, Pennsylvania and other States containing millions of inhabitants; but in effect he is really independent of any constituency in the ordinary acceptation of the term.

LOYAL CLAIMANTS.

The Southern loyal claimants' job, smuggled into one of the appropriation bills during the last night of the session, if not repealed, will double our rate of taxation and largely increase our national debt. All these loyal claimants were exempt from the draft and from taxation during the war, and it might be thought they need not be so forward now in pushing their claims. But it must be borne in mind that they were deprived of the valuable privilege of engaging in the profitable business of bounty jumping and substitute brokerage, and should therefore have a chance now to make up for lost time. Let the loyal Southern claimants come forward without delay. There is one hundred million in the national treasury and more coming next week. No matter about reducing our taxes for years to come. Claim agents must live, you know.

ON THE INDIAN QUESTION

the course of the Forty-first Congress has been mainly in the right direction. The corrupt and absurd practice of recognizing our Indian tribes, every one of which having been outlawed time and again as independent nations, and making treaties with them as such, has been pretty much discontinued. The treaty business will, however, require watching for some time to come. There is a vast number of swindles in the old treaties and in a dozen or so new ones that may slip through the Senate some night when only two or three Senators are present.

There is one very remarkable fact in connection with this whole Indian business. The Quaker policy is vastly more expensive than the old Indian ring plan. The first thing our Thees and Thous did was to demand increased appropriations; and they have been keeping pretty well in that direction ever since. What they do with so much money is really a wonder.

DOWN WITH THE TAXES.

The Forty-first Congress permitted the whole two years of its existence to pass away without reducing the people's burden of taxation one dollar. More money was extorted in shape of taxes in 1870 than during the year 1869. The result is that the dominant party is being very rapidly reduced in the House and moderately so in the Senate. If the

INCOME TAX

is not quickly repealed, and one or two others, I could name immediately reduced, the House of the next Congress will surely be democratic, as will be the next President, Vice President and Cabinet.

THE COURTS.

Acquittal of Captain Grindle, of the Ship Old Colony—Discharge of Captain Peabody, of the Ship Neptune—Charge of Passing Counterfeit Money—The Lexington Avenue Opening Case—Jim Fisk as an Impresario in Litigation—More About Political Influence in Courts—A Transaction in Applejack—Business in the Court of General Sessions—Decisions.

UNITED STATES SUPREME COURT.

Payment of Notes Given for Slaves Prior to Emancipation.

WASHINGTON, March 7, 1871.

No. 100. *L. F. Giness vs. William L. Campbell.*—Error to the Circuit Court for the district of Louisiana. This was an action on a promissory note executed at New Orleans in April, 1861, payable two years after in the same city to the order of the plaintiff in error, who was the endorser. The consideration of the note was the price of slaves sold to the maker, a brother of the endorser. The note was not presented at the place of payment at maturity, Campbell, the holder, then being a resident of the parish of St. Helena and cut off from access to New Orleans by reasons of the existence of the war. Judgment was for the holder, and the case was brought here, the plaintiff in error contending—first, that the want of presentment and notice of the note, protest and notice of protest is inexcusable, inasmuch as Campbell had only to come forward and acknowledge his allegiance to the government by its invitation, after the capture of New Orleans, and was safe in doing so; second, the statute of prescription in Louisiana barred his right of action on the note, the parties being all residents of that State, and Campbell a secessionist and not entitled to the benefit of the act of June, 1864, which was passed for the protection of Northern creditors, in respect of their debts and debtors, within the rebel lines. It is argued, in the third place, that the consideration of the note has failed in consequence of the abolition of slavery, and that under the constitution of Louisiana the action could not be sustained in the State courts. The defendant in error is charged with first having ascertained that the District Judge held views favorable to his case, and with then having taken up his residence in Mississippi, so as to enable him to bring his action in the federal courts for Louisiana. The defendant in error maintains that he was prevented by actual military force from presenting the note at maturity, and that his failure to cause the protest of the note, &c., is excused. On the same ground he insists that the statute of prescription does not bar his action. On the question as to the consideration of the note it is said that it was legal at the time, and illegality cannot by any *ex post facto* legislation or decision be impressed upon it. The abolition of slavery, or of the principle of the law of slavery, will not affect contracts for slaves made before the date of abolition. A late case in Great Britain is cited (Santos vs. Seledge, 86, B. Ref., U. S., 862):—An Englishman, who purchased slaves in Brazil, was compelled to pay the price by the courts of England. Louisiana could not impair the obligation of this contract, made in 1861, directly nor consequently, by legislation or decision. Slavery was a lawful though exorbitant and transitory state in 1861. If the parties had apprehended interference from legislation or law they would have provided for it by specific warrantees, meeting the exact case. Even a general and ordinary warranty does not apply to acts *ex post facto* of the sovereign power. The warranty applies only to pre-existing facts and liabilities. The cases in the English courts and in the courts of the United States show that slaves are legally in the States where slavery was recognized, and that the courts of the United States will enforce contracts made for the sale of slaves in States where slavery exists by law, and the courts of Great Britain will grant redress for loss to such property under similar conditions. The rights of the party here must be decided by the law of 1861, and not the law of 1868. The law of the place of making the contract at the time it was made enters into and forms a part of the contract, and an injurious alteration of those laws impairs its obligation.

No. 101. *William White vs. John Hart and W. D. Davis*—Error to the Supreme Court of Georgia.—This was also an action on a promissory note dated February, 1859, the consideration of which was slave property. The defendants below pleaded to the jurisdiction of the Court, on the ground that the institution of slavery did not exist in Georgia, and the Court was prohibited to exercise jurisdiction. The plea was sustained, and the judgment was for the defendants. The holder of the note brings the case here, and a special and elaborate brief is made on the right to enforce by suit notes given on the sale of slaves prior to emancipation, by P. Philips, for the plaintiff in error. The defendants in error do not appear here.

UNITED STATES CIRCUIT COURT.

The Case of Captain Grindle, of the Ship Old Colony—Verdict Not Guilty.

The trial of this case, in which the defendant is charged with cruel and unusual punishment to one of his crew, Ramon Rau, was resumed at the sitting of the court, before Judge Woodruff and the jury.

TESTIMONY FOR THE DEFENCE.

Gilbert G. Young, ship broker, stated he had been to sea as a sailor for eight years; had been sent aloft in a bowline; had beaten the rust off the sheets with an iron bar (the witness here took a rope and illustrated the manner in which a bowline was made and how a sailor could sit in it); it was also usual to carry the iron bar aloft suspended around the neck, for convenience and safety; witness was handed a marlinspike, and he said that such an instrument would answer for beating the rust off the sheets.

Cross-examined—Does not think he knows what a "norman" is; was sent aloft at sea to beat the sheets when he claimed to be sick, and they did not believe that he was.

Frederick W. Cline, shipmaster for thirty-five years, stated that it was usual to send men aloft in a bowline to do work that was necessary to be done there; the operation of beating the rust off the sheets was very simple; there was no regular tool for doing it; any piece of old iron would answer the purpose; it was a very grave offence to leave the lookout; if he knew there was no lookout he would not go to sleep; he would keep awake as long as he could.

Cross-examined—Any sailor could go aloft in a bowline; it would not do well to send up a man who could not hold on; it would not be proper to send a sick man aloft; a "norman" was an instrument used for putting on a windlass.

Cross-examined—A "norman," which was about twenty-five pounds weight, would not well do for beating off the rust; part of a "norman" would do better.

Ajesto P. Fabrie sworn:—Knows Captain Grindle; he has been in our employ five years; his character is good, as far as I know; he has proved faithful to us; we have entrusted him with large amounts of property.

Cross-examined—I have never sailed with Captain Grindle; I know nothing about how he treats his crew; I am a part owner of the ship; the captain is not.

Henry D. Bookman, a shipping broker, deposed that he knew Captain Grindle in a business connection, and always believed his character to be good.

Cross-examined—I never sailed with Captain Grindle; I do not know how he treats his crew.

J. V. Crook, first officer of the Old Colony, was recalled, and, in reply to questions, deposed that the chain by which he was bound on board the ship was not thicker than the rope produced in court; it was an open chain; the links were open.

This closed the testimony for the defence.

REBUTTING TESTIMONY FOR THE PROSECUTION.

Hugh J. Doherty, second mate of the Old Colony, deposed that he never told the first mate that Rau was regarded on board as a dangerous man; never said anything of that kind.

William McDonnell, the third mate, deposed that he never stated to the first mate that Rau was a dangerous man.

Andrew Colvin, one of the seamen, sworn—I never said to the first mate that I regarded Rau as a dangerous man.

In cross-examination the witness said he told the officer that Rau had looked into his face at night, but the reason he told the officer about it was because he could not keep it all to himself.

Mr. Kehoe, deputy marshal, recalled—He deposed that the chain with which Rau was fastened on board the Old Colony was about twice as large as the rope produced. (This was about an inch rope.) Rau had no pants on—no clothes on his legs, no shoes on his feet; he had on an old coat, tied around him with a rope.

This closed the testimony on both sides.

SUMMING UP FOR THE DEFENCE.

Mr. William Fullerton, counsel for defendant, summed up the testimony in an exceedingly able and brilliant speech. He said:—No matter what they might think of Captain Grindle's conduct, they could not find him guilty unless they believed he had committed the offence as described in the statute. They must find that what he did was from malice, hatred, or revenge—that he did it without justifiable cause—and that the punishment was not only cruel but unusual. Counsel quoted from the 1st of Sumner, 394, in support of his argument. If the captain thought that what he did was within the line of his duty, he was to be excused before the world. He must be actuated by malice, he must be shown to have acted under its force and power; if not, he must be acquitted.

The learned gentleman further stated that he liked to see a lawyer manifest zeal for his client; he liked to see a lawyer go into a case with all his learning and zeal; but he disliked the idea of the District Attorney, who had, in his opening speech, gloated over the idea of sending a respectable citizen to the State Prison, and assuring the jury that they would have a most agreeable duty to perform in helping him to arrive at that conclusion.

General Davies summed up the case for the government, carefully reviewing the evidence, and contending upon all the facts developed in the progress of the trial that the offence charged against the defendant had been brought home to him.

THE CHARGE.

Judge Woodruff charged the jury. He stated that if Captain Grindle believed, though the belief was unfounded, that Rau intended to fire the ship and punished him for it, that did not bring him within the act of Congress, which said that "if any master, &c., shall, from malice, hatred or revenge, or without justifiable cause, beat, wound," &c., one of the crew. If the captain honestly believed, though he erred in this belief, that Rau was fit for duty, and inflicted punishment upon him for neglecting it, he was not guilty of a criminal offence. While a faithful seaman was to be protected, on the one hand, against cruel treatment and unusual punishment, on the other hand, faithful and watchful officers were to be protected in the preservation of discipline, and should see that sailors discharged their duty.

A DOUBLE VERDICT.

The jury then retired to consider their verdict. They remained about an hour in consultation. On their return to court, in answer to a question put by the Clerk as to whether they had agreed, the foreman read from a small slip of paper which he held in his hand, the verdict, as follows:—

"Not guilty under the statute and ruling, but guilty of cruelty."

Judge Woodruff—That must be a verdict of not guilty.

THE JURY SUCCUMB.

The Clerk—You say the prisoner is not guilty?

Foreman—Yes.

Clerk—And so say all of you?

The jurors nodded assent.

A verdict of not guilty was then recorded.

Judge Woodruff (addressing the jurors)—Gentlemen, I must request your attendance at the opening of the court to-morrow (this) morning, as I find I have been obliged to adjourn a case owing to a want of jurors.

A CALL TO POLL THE JURY.

As the jurors were rising from their seats and about to depart General Davies said:—Your Honor, I move that the jurors in the last case be polled.

Judge Woodruff—The motion is too late. The verdict has been already recorded.

And thus ended the trial of the great Grindle case.

Burning of the Ship Robert Edwardes—The Penalty of Death—Scruples Among the Jurors.

When the jury in Captain Grindle's case had gone out the Court ordered on other business.

Charles Purdue, Charles Meredith, Samuel O. Duncan and another were brought up and arraigned for trial. The Robert Edwardes was burned 800 miles from land and totally consumed. The crew were saved, taken on board a vessel called the Mary Rice and landed at Rio Janiero.

Duncan has become a witness for the government, and a nolle prosequi has been entered in his case.

The Clerk then proceeded to swear a jury to try the prisoners. Four or five jurors were sworn, and three, who stated that they entertained conscientious scruples to trying a case where the prisoner, if found guilty, would be sentenced to death, were excused from attendance. The Court, finding it impossible to secure a full jury, discharged the jurors sworn until to-day, cautioning them at the same time to hold no conversation with any person about the case.

UNITED STATES COMMISSIONERS' COURT.

The Case of the Ship Neptune—Discharge of Captain Peabody and the Mates, Mayo and Shields.

Yesterday Commissioner John A. Shields rendered his decision in the case of the United States vs. Captain Peabody, of the ship Neptune, and the first and second mates of that vessel, Mayo and Shields, who had been charged with cruel and unusual punishment to the colored members of the crew during the last voyage from Liverpool to New York.

COMMISSIONER'S DECISION.

"The evidence," says the Commissioner, "shows that the vessel left Liverpool on the 26th of December last; that the weather was very good; that nothing then happened, and there appears to be no charge of ill-treatment until the vessel got to the Banks of Newfoundland, where cold weather was experienced, the rigging and decks being covered with ice and snow. All hands got to work to shovel snow and clear the decks of the ice, and it was at this time that the colored men had their hands frozen. The evidence on the part of the government shows that the Captain dressed their hands and made finger stalls himself for the men and did what he could for the frozen sailors with the means at his command. The cruel and unusual punishment complained of is that, after the men's hands were frozen they were made to pull and haul ropes, go aloft and do duty when they were unable to do so. The weather at this time was very bad, and all hands were required at the pumps for three days to keep the vessel from sinking. The white portion of the crew got worn out, and the captain was compelled to call upon the complainants to take a hand at the pumps and go on lookout. They did so, and did what they could. When the colored crew came aboard at Liverpool the majority of them had no extra clothing. All the clothes they had was what they had on; and they themselves testify that when the weather got cold the captain gave them clothes—shirts, stockings, drawers and shoes—and did what he could to make them comfortable. The weather, after the ship left the Banks and until her arrival in New York, was very severe, and required all the ability of the officers to save the vessel, passengers and cargo."

The Commissioner is satisfied, after a long and careful examination and from all the evidence before him, that the government have failed to make out a case against the defendants, and they must, therefore, be honorably discharged.

Passing Counterfeit Money.

Before Commissioner Osborn.

The United States vs. Margaret McDonnell.—Defendant was charged with attempting to pass a counterfeit ten dollar bill. The woman's story was that she got it from a party whose acquaintance she made in the street, and did not know whether the bill was good or bad. The Commissioner discharged her with a caution.

SUPREME COURT—SPECIAL TERM.

The Opening of Lexington Avenue and Litigation About the Assessments.

Before Judge Brady.

David Brennan et al. vs. The Mayor, Aldermen, &c., of the City of New York.—This is an action to stay the collection of assessment on three lots owned by the plaintiff on the recently opened extension of Lexington avenue. In the old plan of 1807, for the opening of this avenue, this portion of the avenue was not included, and in 1866 a special act was passed by the Legislature allowing the further opening, which act also embraced the closing of Hamilton Park. By this act the Corporation Counsel was directed to make application to the Supreme Court for the appointment of commissioners of estimate and assessment, for the further opening of the avenue, but makes no reference to any previous acts of the Legislature, and in terms fails to give any powers to the commissioners. The Corporation Counsel, however, under the act made the required application to the Supreme Court, upon which commissioners were duly appointed, who made their report, and upon the confirmation of the same proceeded to collect the assessments. Upon the bringing of this suit the defendants demurred, and the case came up yesterday on this demurrer. One ground of the demurrer was that if the act was invalid this action could not be maintained by the plaintiffs, who could not bring suit till sustaining damage. Another ground was that the act was valid, and, therefore, that no action could be sustained. On the other hand, the plaintiffs insist that the act is unconstitutional, that it does not give any power to the commissioners to levy assessments, that the act of 1813, applying only to the streets on the old plan of the city, cannot be invoked to supplement the defect, and that only an equity action is proper, to avoid a multiplicity of suits and clear up the subject of titles. On the part of the corporation it was argued that in using the title commissioner of estimate and extension there was a necessary implication of the proper powers to these commissioners, and that the act, though apparently double in title, was single in subject, in its reference to altering the act of the city. There was a lengthy argument on both sides. Decision was reserved.

SUPREME COURT—TRIAL TERM.

Retrial of an Old Will Case That Has Been Several Times Tried.

Before Judge Van Brunt.

Moses W. S. Jackson vs. Anna Maria Jackson, David S. Jackson et al.—This case has been knocked about from court to court for the past nine years—a regular game of legal battledoor and shuttlecock. The facts are simple:—On August 11, 1862, Moses W. S. Jackson, son of the plaintiff, died in this city, leaving to Anna Maria Jackson, claiming to be his widow, all his property, real and personal, amounting to about $100,000, except $500 left to his son and only heir, the plaintiff. The deceased had been divorced from his wife, and had been living for several years with the woman now claiming to be his wife. On the day of his death he sent for David S. Jackson, his brother, but before the latter arrived it was claimed that he was married to the woman in question and made his will, the provisions of which are as above stated. Though able to write, his name was signed by a cross, the pen being held by one of the witnesses and the will being drawn by Mr. Miller, one of the defendants. The will was admitted to probate soon after the deceased's death, without any intimation of the fact being given to young Jackson. He moved to set it aside, and it was set aside. The contestants claiming the will proved that the court did not go into testimony as to undue influence or want of testamentary capacity. The Surrogate again admitted the will to probate. An appeal was made to the Court of Appeals and the will set aside on the ground of undue influence. Three years later an application was made for probate again. The examination of witnesses lasted through thirteen days, forming a voluminous book of printed evidence. The Surrogate again admitted the will to probate, and then an appeal was made to the General Term of the Supreme Court. The General Term set the will aside and ordered a trial by jury as to the validity of the execution and as to mental capacity and undue influence. This trial began yesterday morning, Mr. Samuel F. Cowdery appearing for the defendants and proponents and Mr. William H. Taggard for the plaintiff and contestant, Moses W. Jackson. The will is contested on the ground that it was not executed in the presence of two witnesses, as required by the statute, and that the deceased at the time of making it was in *articulo mortis* and did not recognize anybody or know what he was about. Several witnesses were examined, going over the ground at the previous trials and developing no new facts. It promises to continue through several days.

SUPREME COURT—CHAMBERS.

A Basso Primo After Jim Fisk.

Before Judge Cardozo.

Giovanni B. Antonnechi vs. James Fisk, Jr.—The plaintiff sues to diminish the exchequer of the great *impresario* of the Grand Opera House to the tune of $500. He sets forth in his complaint that he was employed by the defendant as *primo basso* in the opera "Lurline," which was performed at the Academy of Music in this city in May, 1869. He alleges that he was engaged at a salary of $900 a month, and that he had been paid only $400, leaving $500 still due him. The defendant denies that he engaged the plaintiff at all, but furnished money to another party, who employed him; that the plaintiff was not employed by the month, but was to receive $200 a week; that he was paid $400 for two weeks' singing, and offered at this rate the amount due him for four days' additional singing, after which time the opera was withdrawn, but refused to accept the same. A motion was made to place the case on the special calendar, which was denied.

Decisions.

Turnure vs. Costello.—Exceptions overruled and report confirmed.

Comstock vs. Martin et al.—Motion granted.

Shafster vs. The Mutual Insurance Company of Buffalo.—Same.

McHugh & James S. Young Stone Cutting Company vs. The Wardens and Vestry of St. James' Church.—Motion denied.

George W. Wild vs. Henry Bonnis.—Motion denied. No costs.

James Mason vs. James E. Maxwell.—Motion granted.

Benjamin H. Seixas vs. John R. Foley.—Motion denied without costs and without prejudice.

Janges vs. Kolsch.—Motion granted.

Vennlat vs. Franklin et al.—Memorandum for counsel.

Hemmenway vs. Dempley.—Motion granted. Attachment to be bailable in $600.

Allen et al. vs. Taylor et al.—Motion denied.

By Judge Brady.

Bryant vs. McKinney.—Motion granted. No costs.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Jones.

Anderson vs. West.—Reference ordered.

Cooper vs. Small.—Order granted.

Turner vs. New York Accidental Insurance Company.—Same.

Carswell vs. Schaefer et al.—Same.

Wenmon vs. Broadway and Seventh Avenue Railroad Company.—Same.

Hawes vs. Barr et al.—Same.

McDonald vs. Chamberlain.—Same.

COMMON PLEAS—GENERAL TERM.

Decisions.

By Chief Justice Daly and Judges Larremore and Joseph F. Daly.

The following decisions were rendered yesterday:

Mary Caroline vs. Emil Lippman.—Appeal dismissed for want of return.

Clement F. Harrington vs. Josiah Taylor.—Same.

Francis McAtavey vs. Thomas Brannigan.—Same.

Erich R. Jackson vs. Mark Rhinaldo.—Same unless return filed within twenty days.

John W. Davis vs. George Weymer.—Judgment affirmed.

Pardon Briggs vs. James R. Smith, Jr.—Judgment reversed.

Nathan Solomon vs. Rosa Simmons.—Judgment affirmed.

COMMON PLEAS—SPECIAL TERM.

Judge Joseph F. Daly yesterday rendered a decision in the following case:—

Woodward vs. Stearns.—Motion to vacate attachment denied.

MARINE COURT—PART 2.

Assault and Battery Case—More About Political Influences in Courts.

Before Judge Curtis.

Cruetz vs. Kruger.—This action is one of long standing and was originally brought in the Superior Court, from whence it was transferred to the Marine Court. The plaintiff, a German, owns a husband who keeps a lager beer saloon, but who is rather the figurehead to the establishment than an active participator in the business, Mrs. Cruetz preferring to preside when customers are plentiful, leaving Mr. Cruetz to attend to more strictly family matters.

Judge Curtis, on hearing statement of counsel for the plaintiff, said that all the ordinary cases of assault properly belong to the police courts, and that it was as unwise as it was a costly matter to load the calendar of the civil courts with them.

Jacob C. Gross, counsel for the defendant, suggested to the Court the propriety of the witnesses on either side being ordered out of the court during the examination of any of these fellows. It was a very old case, and it was better, he thought, that each witness should tell his or her story just as the circumstances of the case were now remembered.

CHARGE OF POLITICAL INFLUENCE.

Counsel for plaintiff here rose excitedly and said that there was too much political influence at work in the courts, and that it was just such influence that had been attempted to be exerted in this court.

Judge Curtis—Counsel in venturing upon any charges as to the honor, integrity and justice of this court will have to substantiate such charges or make them at his peril.

Counsel—Upon a previous day originally fixed for the trial of this case a member of the Assembly from this city was in attendance here. He came to me and asked me was I counsel for the defendant. I said no, but for the plaintiff. The Assemblyman then said he was interested in the case, and that he had come to "see the Judge," showing me, continued counsel, a slip of paper, with the words written on it, "Dear Judge (no name)—The defendant is a friend of mine; do what you can for him."

Judge Curtis—What is the name of the Assemblyman you refer to?

Counsel—Timothy J. Campbell.

Judge Curtis—Did he name the judge he expected to influence?

Counsel—No, sir.

Judge Curtis said that however frivolous the charge and thoughtless and flippant the words of the Assemblyman, he was determined to have a fuller explanation and clearer conception of what really took place in court at the time referred to, and as to the object proposed to be accomplished by the supposed letter to "a judge." Judge Curtis then indicted a letter to Assemblyman Campbell, which he read in court, in which he requests Mr. Campbell to make affidavit of what he knew in the matter, his intention in coming into court and writing to "Dear Judge."

This little episode in

Ways that are dark
And tricks that are vain

peculiar to "political influence" in courts having been got through with, the case of Creutzer vs. Kruger went on as fast as high Dutch against low Dutch, rendered into polyglot English, and an insinuatingly combative counsel for plaintiff and a counsel for the defendant professionally courteous, but unyielding of the rights of his client, would permit. The session closed without the case coming to a close, and Creutzer vs. Kruger holds its place on the calendar for to-day against all comers.

MARINE COURT—PART 1.

A Transaction in Applejack.

Before Judge Gross.

Lynn vs. Amann.—The plaintiff's statement was that having visited defendant's place in Spring Valley, Rockland county, N. Y., he engaged with him for the delivery here of about 170 gallons of applejack within a couple of days of November 16, furnishing him with four barrels for the purpose, and giving him his note at fifteen days in payment; that he then resold the liquor at an advance of one dollar per gallon on the sample furnished, but defendant failing to deliver he thus suffered loss. The defence was that plaintiff represented that the note could be cashed like a check at the Nyack Bank, and that a good endorser would be obtained or cash paid before delivery, neither of which conditions were fulfilled, and that the delivery of the applejack was to depend upon the United States gauger coming up and passing the liquor, who really did not make his appearance until the end of December. Judgment for defendant.

Decisions.

By Judge Curtis.

Sturtevant vs. Ungee.—Judgment for plaintiff.

Same vs. Bucherve.—Judgment for plaintiff.

COURT OF GENERAL SESSIONS.

Before Gunning S. Bedford, City Judge.

LARCENY FROM THE HUDSON RIVER RAILROAD DEPOT.

Yesterday's calendar was made up of ordinary charges of burglary and larceny, the Grand Jury not having had time since the commencement of the term to present indictments of special interest and importance.

The first prisoner arraigned was Joseph McGrath, who was charged with stealing on the 8th of last December, four boxes of tea from a car in the Hudson River Railroad depot. A police officer at three o'clock in the morning saw the prisoner in the doorway of a house corner of Thirty-first street and Tenth avenue with a chest of tea in his arms, and upon instituting a search the three stolen chests were found near to the place where the arrest was made. The testimony was so clear that the accused, by advice of his counsel, pleaded guilty to an attempt at grand larceny. Counsel then addressed the Court in mitigation of punishment, stating that he had been informed this was McGrath's first offence and he was never arrested upon any charge before.

SENTENCE

Judge Bedford on passing sentence said—Mr. McClelland, I do not think you would intentionally deceive me as regards the character of the prisoner, and consequently believe that you have been erroneously informed. McGrath is a well known thief and belongs to a gang of thieves. All such men I deem it my duty to put out of the way on every legitimate occasion. Full penalty. McGrath, two years and six months in the State Prison.

The trial of Daniel McAdams, who was jointly indicted with McGrath, was commenced, but owing to an official engagement which his Honor had to meet the case was put over till to-day.

ACQUITTALS.

James Norton was charged with stealing a bale of rugs valued at $72, on the 20th of February, the property of A. T. Stewart & Co. The rugs were found in the prisoner's house, who said that a young man named Poole asked permission to leave them there. The jury believed the prisoner's story and acquitted him.

Terence Devlin and John Reilly were equally fortunate in being pronounced innocent of a charge of burglary. The indictment alleged that on the night of the 21st of January they effected an entrance into the restaurant of Henry Wilk, in Tenth avenue. No property was found in their possession, and the circumstances showing that the defendants had no felonious intent in going into the place, although they were found there at a very early hour, the jury complied with Judge Bedford's instructions and gave them the benefit of the doubt by rendering a verdict of not guilty.

Thus far no hardened criminals have been arraigned, but when they are and their guilt is clearly established Judge Bedford will mete out speedy justice to the offenders.

COURT CALENDARS—THIS DAY

SUPREME COURT—CHAMBERS—Held by Judge Cardozo.—Nos. 1, 13, 36, 42, 83, 102, 108, 125, 127, 134, 149, 163, 170.

COURT OF COMMON PLEAS—Part 1—Held by Judge Loew.—Nos. 473, 604, 35, 621, 637, 533½, 677, 437, 766, 731, 671, 750, 678, 636, 710.

MARINE COURT—Part 1—Before Judge Gross.—Nos. 5276, 5277, 5273, 5639, 5112, 5278, 5279, 5281, 5282, 5283, 5284, 5287, 5288, 5289, 5918, 5932, 5665, 5803. Part 2—Before Judge Curtis.—Nos. 5176, 5234, 5079, 5838, 1676, 4688, 4849, 5184, 5254, 5256, 5257, 5258, 5259, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5269, 5270, 5274, 5275, 5290, 5292, 5301, 5294, 5295, 5296.

GENERAL SESSIONS—Before Judge Bedford.—Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9.

BROOKLYN COURTS.

UNITED STATES COMMISSIONERS' COURT.

The Lottery Business.

Before Commissioner Winslow.

Patrick Healey was before the Commissioner yesterday on the charge of having sold lottery policies at No. 52 Union street without paying the special tax required by law. He was held to bail to answer.

Concealing Spirits.

J. D. Royston and Alexander Tuppitt are charged with having been engaged in the illegal removal of spirits from their establishment on Commerce street, South Brooklyn. The hearing was adjourned.

CITY COURT.

The Alleged Illegal Seizure.

Before Judge Neilson.

Norman Littell vs. John Linskey.—The plaintiff in this case, which was reported in the HERALD of yesterday, sued to recover $800 from the defendant, who is a deputy sheriff, for the alleged illegal seizure of his stock in his store in the Eastern District. The defence was that the seizure was made in pursuance of a judgment against plaintiff, and the jury rendered a verdict in favor of defendant.

A Silver Mine Speculation.

John Neidlinger vs. Henry A. Jones.—The plaintiff brings suit to recover $5,000, which sum, he alleges, he lost through the representations of defendant in regard to a silver mining company in Idaho. The company was organized in New York. Defendant was one of the corporators and trustees, and plaintiff purchased, as alleged, $5,000 of the shares. The plaintiff alleges that the stock proved utterly worthless. Case still on.

BROOKLYN COURT CALENDAR.

CITY COURT—Parts 1 and 2—Before Judges McCue and Neilson.—Nos. 33, 60, 110. Part 3—Judge Thompson.—Special Term.

THE HUDSON RIVER ICE MOVEMENT.

Navigation Opened.

[From the Albany Journal, March 6.]

The report circulated yesterday morning throughout the city that the ice in the river was momentarily expected to move out created considerable interest, and crowds of spectators lined the piers and docks to witness the spectacle. Though premature by a few hours, it was none the less true. What was on Saturday a clear field of smooth, glary ice, extending from below the steamboat landing to the Hudson River Railroad bridge, with the exception of the passage-way cut for the Boston ferry, yesterday morning, at eight o'clock, presented a rough, uneven and broken appearance, that indicated it would soon pass away and become but a memory of the winter now past. Between this city and Troy the ice had almost disappeared, and the little remnant which had been spared by the insidious encroachments of mild winds, milder weather, or water, had floated down to where a barrier had formed itself a short distance above Bath. This, of course, constituted a considerable pressure upon the already weakened and melting mass, until at last it finally gave way Saturday, moving down and completely blocking up the Boston ferry cut, where it again remained stationary, but not without separating and dividing the immense field into thousands of huge and massive blocks. This was not sufficient to cause the water to rise more than a foot at this time, which is considered something unusual for the season and occasion. In this condition it remained until yesterday morning, when a portion of the field, extending from a short distance below Madison avenue to opposite the foot of State street, gradually gave way and slowly passed down the river. The remaining portion, extending from the latter point to above Bath, remained fast until shortly after noon, when it, too, followed suit and moved gracefully down along the city front to return no more. It was an interesting spectacle to the hundreds and perhaps thousands who had gathered to view the departure. Without any of the piling, or the usual damage resulting from the breaking up of the ice after a hard winter, it passed away, and the residents of the lower part of the city and along the docks felt relieved as they saw it glide so smoothly out. With the departure of the ice navigation will probably at once be resumed, and the steamboat landing and piers will again teem with life and activity. The ice in the basin has not as yet yielded to the influence of the weather, but of course it cannot resist much longer, when the various boats which have been locked in its chilly embrace all winter will, in their rejuvenated condition, perform their share in the traffic to be carried on during the coming season. The breaking up occurred three weeks sooner than last year, and old rivermen say it was the quietest and least dangerous that has occurred in many years.

EXTENSIVE BURGLARY.

Four Thousand Dollars' Worth of Property Stolen and Recaptured.

About eight o'clock Monday morning officer Beel, of the Eighth precinct, reported at the station house that he had discovered that some time during the early part of the previous evening burglars had effected an entrance to the store of John H. Frost, No. 464 Broome street, by forcing open an iron shutter, and had stolen therefrom silk hat linings and braid to the value of $4,000. Early yesterday morning officer Seaman, of the same precinct, found three large bags, well filled with articles of the description of those above mentioned, stowed snugly away in a water closet in the yard of No. 60 Greene street. He took the property to the station house, where, upon examination, it proved to be the same that had been abstracted from Mr. Frost's establishment.

REAL ESTATE MATTERS.

The following were the auction sales of real estate yesterday:—

NEW YORK PROPERTY—BY MULLER, WILKINS AND CO.

House and lot, No. 210 West 46th st., 20x100	$21,500
Store and lot, n. e. corner Maiden lane and Water st., 20.6x30	17,000
Stores and lots, Nos. 295, 295½ and 297 Pearl st., 17x99 each	20,000